



(B) the subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused on particular issues.

**Subject to the Court's determination of the outstanding issues above, see the following:**

**Discovery should be conducted on topics, including but not limited to the facts related to Plaintiffs' Original Complaint and Jury Demand [Dkt. 1] for violations of the First Amendment – Retaliation for Protected Speech, Protected Conduct, and Surveillance Dossier, and Retaliatory Prosecution; Fourth Amendment Unlawful Detention, False Arrest, Unlawful Seizure, and Excessive Force; Failure to Intervene; Fourteenth Amendment Failure to Provide Medical Care; Municipal Liability 42 U.S.C. 1983 Unlawful Policy and Failure to Train; Declaratory and Injunctive Relief; and Attorney's Fees and Costs.**

**Defendants' affirmative defenses to said allegations to include Individual Defendant's right to qualified immunity and the City's right to sovereign and governmental immunity; and that Defendants acted in compliance with and did not deny Plaintiffs any right or privilege granted or secured by, the Constitution of the United States and the State of Texas, as set forth their 12 (b) (1) (6) Motion to Dismiss [Dkt. 8], and any Reply thereto.**

**Discovery will be completed pursuant to the parties' attached Scheduling Recommendations.**

(C) any issues about disclosure or discovery of electronically stored information, including the form or forms in which it should be produced.

**The parties do not anticipate any disputes regarding electronically stored information. The parties agree any relevant and responsive documents requested during discovery need not be produced in their original format (due to cost, hardship, and possible incompatibility issues), but will be produced in paper or PDF format, word searchable, if possible, on USB drive, disc or drop box. The Parties agree that Rule 26(b) (2)(B) "Specific Limitations on Electronically Stored Information" controls.**

(D) any issues about claims of privilege or of protection as trial-preparation materials, including—if the parties agree on a procedure to assert these claims after production—whether to ask the court to include their agreement in an order.

**The parties anticipate a Confidentiality and Protective Order regarding disclosure of discovery materials produced by Defendants and Plaintiffs either by agreement or as determined by this Court.**

**If the parties cannot agree to a mutually agreeable Confidentiality and Protective Order, then the parties shall submit the issue to the Court to determine if Western District of Texas forms Appendix H-1 or H-2 or a modification of such forms would be appropriate for the factual situation in this case.**

(E) what changes should be made in the limitations on discovery imposed under these rules or by local rule, and what other limitations should be imposed; and

**Subject to the Court's Rule 16 (c) determinations listed in 2. (A), above.**

(F) any other orders that the court should issue under Rule 26(c) or under Rule 16(b) and (c).

**Subject to the Court's Rule 16 (c) determinations listed in 2. (B), above.**

3. Scheduling Order.

**The parties file the attached Proposed Scheduling Order with the Court.**

4. Rule 26 (f) Additional matters.

**-There are no unknown unserved parties.**

**- Subject to the Court's Rule 16 (c) determinations listed in 2 (A), and (B), above, at this time:**

**-the parties will abate the conferring on potential agreements to stipulated and/or uncontested facts.**

**- Plaintiffs anticipate a 30(b)(6) deposition of the City of Olmos Park. The parties will confer on the topics following the Court's rulings of the motions described at 2 (A) above.**

**-the parties have not discussed the desirability of filing a proposed order pursuant to Federal Rule of Evidence 502.**

**-the parties have not discussed early mediation.**

5. List the names, bar number, addresses, and telephone numbers of all counsel.

**Patrick C. Bernal**

State Bar No. 02208750

**Adolfo Ruiz**

State Bar No. 17385600

DENTON NAVARRO ROCHA BERNAL & ZECH

A Professional Corporation

2517 North Main Avenue

San Antonio, Texas 78212

Telephone: (210) 227-3243

Facsimile: (210) 225-4481

[pbernal@rampagelaw.com](mailto:pbernal@rampagelaw.com)

[aruiz@rampagelaw.com](mailto:aruiz@rampagelaw.com)

COUNSEL FOR DEFENDANTS, CITY OF OLMOS PARK  
JAMES LOPEZ AND RENE VALENCIANO

Brandon J. Grable  
State Bar No. 24086983  
1603 Babcock Road, Suite 280  
San Antonio, Texas 78229  
Telephone: (210) 963-5297  
Facsimile: (210) 641-3332  
[brandon@g2.law](mailto:brandon@g2.law)  
COUNSEL FOR PLAINTIFF  
JACK MILLER

Signed this 18th day of April 2022.

Respectfully submitted,

DENTON NAVARRO ROCHA BERNAL & ZECH  
A Professional Corporation  
2517 North Main Avenue  
San Antonio, Texas 78212  
Telephone: (210) 227-3243  
Facsimile: (210) 225-4481  
[pbernal@rampagelaw.com](mailto:pbernal@rampagelaw.com)  
[aruiz@rampagelaw.com](mailto:aruiz@rampagelaw.com)

By: /s/Adolfo Ruiz  
PATRICK C. BERNAL  
State Bar No. 02208750  
ADOLFO RUIZ  
State Bar No. 17385600  
COUNSEL FOR DEFENDANTS

GRABLE GRIMSHAW PLLC  
1603 Babcock Road, Suite 280  
San Antonio, Texas 78229  
Telephone: (210) 963-5297  
Facsimile: (210) 641-3332  
[brandon@g2.law](mailto:brandon@g2.law)

By: /s/Brandon Grable  
BRANDON J. GRABLE  
State Bar No. 24086983  
COUNSEL FOR PLAINTIFF